

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : RILEY, James Francis and MCNAIR, Susan Gail  
SERIAL NO.  : 09/936,753  
FILED : 09/17/01  
FOR : SURFACE FINISHING MACHINE  
ART UNIT : 3723  
EXAMINER : RACHUBA, Maurina T.

**RECEIVED**  
OCT 12 2004  
**OFFICE OF PETITIONS**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION IN SUPPORT OF PETITION TO REVIVE  
PATENT APPLICATION UNDER 37 CFR § 1.137(b)

SIR:

I, R. Neil Sudol, make this Declaration in support of a Petition under 37 C.F.R. § 1.37(b), to revive the above-referenced patent application, which Petition is being submitted herewith.

1. I am attorney for applicants, and I filed the above-identified patent application on behalf of applicants.
2. At the time of filing the patent application in this matter our firm was in the process of converting our paper docketing system to a computerized docketing system.
3. Unknown to me, during the conversion process, the same docketing number that I assigned to his case under the old docketing system , A20-029, was inadvertently assigned by a colleague of mine to a different matter for the same client in our new docketing system.
4. Prior to receiving the Office Communication mailed 2 April 2003 in the present application we received instructions from our client directing us to abandon an application, identified in the abandonment instructions by the duplicative docketing number. The

abandonment instruction letter (copy attached) was inserted into our file for the present application.

5. Following the instructions meant for the other application, we did not respond to the Office Communication of April 2, 2003 in the present application.

6. We discovered the error on September 17, 2004, when we received an inquiry (copy attached) as to the status of the present application.

7. The time since September 17, 2004 has <sup>been</sup> ~~been~~ spent in communication with our Australian associate to confirm intent to proceed and obtain the necessary instructions. *RNS  
10/6/04*

8. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

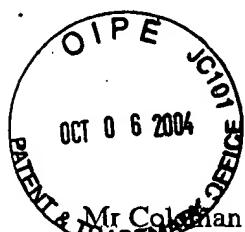
Dated: October 6, 2004

  
R. Neil Sudol

Coleman Sudol Sapone, P.C.  
714 Colorado Avenue  
Bridgeport, CT 06605-1601

**APT**

PATENT AND TRADE MARK ATTORNEYS



Mr Coleman  
Coleman Sudol Sapone PC  
714 Colorado Avenue  
BRIDGEPORT  
CONNECTICUT 06605-1601  
UNITED STATES OF AMERICA

5th Floor, 23 Leigh Street,  
Adelaide, Australia  
Telephone +61 8 8410 5040  
Facsimile +61 8 8410 5042  
email apt@aptpat.com  
www.aptpat.com

CORRESPONDENCE  
GPO Box 772  
Adelaide SA  
Australia 5001

7 December 2001

**RECEIVED**

OCT 12 2004

**OFFICE OF PETITIONS**

Dear Mr Coleman

Re: UNITED STATES Provisional Patent Application  
Your File: A20-029 Our File: 345GEN:PJW:ELP

Thank you for your prompt response to our enquiry regarding costs involved in filing a United States Provisional Patent Application. Regrettably our client has now advised that they have changed their direction in connection with this matter and will not be proceeding with this filing.

A handwritten signature in black ink that appears to read "ABANDON".

Yours faithfully  
A.P.T. Patent and Trade Mark Attorneys

A handwritten signature in black ink that appears to read "Paul Wyk".

**A.P.T.**

PATENT AND TRADE MARK ATTORNEYS

PO BOX 222  
MITCHAM SOUTH AUSTRALIA  
AUSTRALIA 5062TELEPHONE : (61) (8) 82723244  
FACSIMILE : (61) (8) 82723255  
EMAIL : apt@aptpat.com**FACSIMILE TRANSMISSION SHEET****OUR REF: 1680US:PJW:AML****YOUR REF: A20-029****DATE: 17 September 2004****FACSIMILE NO: 0015.1.203.3356779****FROM: Dr Paul Wyk****TO: Coleman Sudol Sapone PC****ATTENTION: Mr Sudol****Transmitting 1 sheet including this cover sheet.****Please confirm safe receipt of this transmission by return facsimile****MESSAGE**

Dear Mr Sudol

UNITED STATES Patent Application No. 09/963,753  
Surface Finishing Machine  
JAMES FRANCIS RILEY and SUSAN GAIL McNAIR

We wonder whether you have heard anything further in relation to the examination of the above application.

Yours faithfully  
A.P.T. Patent and Trade Mark Attorneys

Paul Wyk

**NOTE:** This facsimile message is directed in confidence solely to the person named above, and may not otherwise be distributed, copied or disclosed. If you have received this facsimile in error, please notify us immediately by telephone, or return the original transmission to us by mail. Thank you